



August 8, 2019

By Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Oral *Ex Parte* Presentation
MD Docket No. 19-105

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, "EchoStar") submit this notice of an *ex parte* meeting on August 7 in the above-referenced proceeding. Specifically, Jennifer Manner and Bristol Gunderson of EchoStar, along with Phuong Pham, its outside counsel, met with the following International Bureau ("IB"), Office of Managing Director ("OMD"), and Enforcement Bureau ("EB") staff (in person or, as indicated by (*), by telephone) to discuss the attached talking points: Jose Albuquerque (IB), Stephen Duall (IB), Sally Stone (OMD), Roland Helvajian (OMD), Karl Kensinger (IB*), and Mika Savir (EB*).

Please direct any questions regarding this matter to the undersigned.

Respectfully Submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner
Senior Vice President, Regulatory Affairs

Attachment

cc:	Jose Albuquerque	Sally Stone
	Stephen Duall	Roland Helvajian
	Karl Kensinger	Mika Savir



REFORMING REGULATORY FEES TO MITIGATE ADVERSE IMPACTS AND ENSURE FAIRER REDISTRIBUTION OF FEE BURDENS AMONG SATELLITE OPERATORS
Assessment and Collection of Regulatory Fees for FY 2019 (MD Docket No. 19-105)

- The proposed 2019 regulatory fee for geostationary orbit (“GSO”) satellites is extraordinary and contrary to the FCC’s statutory obligation to align fee burdens with regulatory benefits.
- Accordingly, the FCC should freeze GSO regulatory fees at the 2018 level, or phase in any GSO fee increase, on an interim basis pending further action to reassess the distribution of fee burdens among space and earth station operators.
 - A temporary freeze or phase-in will allow an opportunity to develop a record to address substantial questions raised in the record regarding the basis (and fairness) of the proposed fee increases.
 - A temporary freeze or phase-in is consistent with Commission precedent and, importantly, will minimize adverse impacts on satellite operators while providing sufficient opportunity for the Commission to address outstanding questions and re-examine underlying fee assumptions.
- Additionally, the FCC should promptly commence a proceeding to consider fundamental long-term reforms, including: (i) expanding the pool of regulatory fee payors to include non-U.S.-licensed satellite operators granted U.S. market access; and (ii) redistributing fee burdens among GSO and non-geostationary orbit (“NGSO”) space and earth station operators to be more consistent with the regulatory costs and benefits attributable to these operators.

(1) Non-U.S.-licensed Satellites with U.S. Market Access

- By deleting the prior statutory reference to “licensees,” the RAY BAUM’s Act removes restrictions on the FCC’s authority to impose regulatory fees on non-licensees that directly benefit from FCC activities, but to date have been exempt from sharing the costs of those activities.
- The FCC previously considered applying space station regulatory fees to non-U.S. licensed satellite operators granted U.S. market access, but avoided addressing the issue, apparently due to concerns regarding its lack of statutory authority.
- In view of the modifications to its regulatory fee authority under the RAY BAUM’s Act, however, the Commission should revisit requiring regulatory fee payment from non-U.S.-licensed satellite operators granted U.S. market access, as such operators derive substantial regulatory and economic benefits from the Commission’s activities without paying application processing or regulatory fees to fund those activities.



(2) Redistributing Fee Burdens Among Space and Earth Station Operators

- No basis exists for the Commission's proposed regulatory fee allocation of 61.61 percent to GSO space station licensees, with allocations of less than six percent each to NGSO space station licensees and earth station licensees.
- The FCC should provide for more equitable fee allocations among space and earth station operators, or at least provide a more detailed explanation for its proposed allocations.